

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

IN RE: ALBERT R. GARNER and SIGRID GARNER
Debtors

CHAPTER 11
CASE NO. 12-00171-EE

THIRD AND FINAL APPLICATION FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF NECESSARY EXPENSES FOR
ATTORNEY FOR THE DEBTORS

COME NOW Albert R. Garner and Sigrid Garner (the “Debtors”) and file this Third and Final Application for Allowance of Compensation and Reimbursement of Necessary Expenses, and in support thereof would show as follows, to-wit:

1. On January 18, 2012, this Bankruptcy case was commenced by the filing of a Voluntary Petition under Chapter 11 of the Bankruptcy Code. On February 23, 2012, Richard A. Montague, Jr., of the firm of Wells, Moore, Simmons, Edwards & Wilbanks, PLLC (the “Wells Moore Firm”), applied to be employed as counsel for the Debtors, and on March 6, 2012, the Court granted its approval.

2. On October 19, 2012, the firm filed its First Interim Application for fees and expenses through August 31, 2012, in the amount of \$66,416.02. On February 11, 2013, the Court approved payment of these fees and expenses. None of those fees have been paid. The Second Interim Application was filed December 6, 2013. In the second application, the Wells Moore Firm sought approval for payment of fees and expenses incurred from September 1, 2012 through December 31, 2012, in the amount of \$35,272.00, for a total of \$102,759.12.

3. On January 1, 2013, the Wells Moore Firm combined with the firm of YoungWilliams P.A. and the firm name was changed to Young Wells Williams Simmons P.A. (the “YoungWells Firm”). In the Second Interim Application, the YoungWells Firm sought

approval of fees and expenses from January 1, 2013 to November 15, 2013. By order entered February 11, 2013, the Court approved payment of interim fees and expenses to Wells Moore in the amount of \$35,272.00 and to Young Wells in the amount of \$147,147.09, conditioned on Confirmation of the Plan in the case. The Plan was confirmed on February 11, 2014.

4. On November 18, 2013, Richard Montague, counsel for the Debtors, joined the law firm of Phelps Dunbar, PA, (“Phelps”) as counsel. Phelps seeks approval of fees and expenses incurred from November 18, 2013 to February 15, 2014. A detailed itemization of the services rendered and expenses incurred by Phelps during this time is attached as Exhibits “1” and “2.” The services rendered to the Debtors represent substantial services. The services rendered were reasonable and necessary and said services have actually been rendered.

5. The fees and expenses charged and incurred represent reasonable and necessary fees and expenses that were required to be extended by counsel to the Debtors in all matters which are anticipated to arise in the case, litigation matters, case administration, and to protect and preserve all rights of the Debtors and the interests of creditors in furtherance of the counsel’s obligations herein; they enhanced the value of all property of the Debtors; and they represent normal and customary fees and expenses incurred and charged for representation of debtors in similar cases. The time, skill and experience utilized by counsel for the Debtors justify the approval of the Application, and justify a general surcharge for the fees and expenses, subject only to all properly perfected secured claims.

6. This is the third and last request for allowance of compensation for professional services rendered in this proceeding. This request covers the period from November 18, 2013 to and including February 5, 2014, and is for the total sum of \$26,549.21. Additional fees will be

incurred post confirmation until the case is closed. Debtor requests authority to pay those reasonable and necessary fees without further order of the Court.

WHEREFORE, PREMISES CONSIDERED, the Debtors request that this Court enter an appropriate Order awarding reasonable attorneys' fees for the professional services rendered herein by their counsel, approving all fees previously awarded on an interim basis and authorizing and directing the Debtors to pay said attorneys' fees and expenses. The Debtors pray for such further and other relief, by general and special, as allowable under the circumstances.

This, the 25th day of February, 2014.

Respectfully submitted,

ALBERT R. GARNER and SIGRID GARNER

By Their Attorneys,
PHELPS DUNBAR LLC.

By: /s Richard Montague
Richard Montague

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CERTIFICATE OF SERVICE

I, Richard A. Montague, Jr., hereby certify that I have caused to be served this date, via Notice of Electronic Filing, a true and correct copy of the above and foregoing instrument to those registered to receive electronic notice in this case, including those listed below.

Ronald H. McAlpin, Esq.
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THIS, the 25^h day of February, 2014.

/s Richard Montague
Richard Montague